

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 7:23-cv-00318-RSB-CKM
)	
)	
v.)	
)	
A & G COAL CORP., BLUESTONE)	
COAL CORP., BLUESTONE OIL)	
CORP., CHESTNUT LAND)	
HOLDINGS, LLC, DYNAMIC)	
ENERGY, INC., FRONTIER COAL)	
CO., JUSTICE ENERGY CO.,)	
KENTUCKY FUEL CORP.,)	
NATIONAL COAL, LLC, PAY CAR)	
MINING, INC., PREMIUM COAL)	
COMPANY, INC., S AND H MINING,)	
INC., TAMS MANAGEMENT, INC.,)	
AND JAMES C. JUSTICE, III,)	
)	
Defendants.)	

JOINT STIPULATION FOR CONSENT JUDGMENT

The Parties, Plaintiff, United States of America, and Defendants A & G Coal Corp., Bluestone Coal Corp., Bluestone Oil Corp., Chestnut Land Holdings, LLC, Dynamic Energy, Inc., Frontier Coal Co., Justice Energy Co., Kentucky Fuel Corp., Pay Car Mining, Inc., and Tams Management, Inc. (collectively the “Defendants”), come by counsel, and respectfully state and agree as follows:

1. On May 30, 2023, the United States filed a civil action against the Defendants for Abandoned Mine Land (“AML”) reclamation fee and audit debts owed under the Surface Mining Control and Reclamation Act of 1977 (“SMCRA”). ECF No. 1.
2. Defendants filed an answer on July 31, 2023. ECF No. 17.

3. This Court has jurisdiction over the Parties and over the subject matter of this action. *See* Compl. ¶¶ 3-5; Answer ¶¶ 3-5.

4. The obligations of this Joint Stipulation for Consent Judgment apply to and are binding upon the United States, Defendants, and any successors, assigns, or other entities, or persons bound by law.

5. Defendants agree and stipulate that they are liable for the AML reclamation fee and audit debts set forth in Count III of the Complaint in the amount of \$189,586.34¹ plus interest, late payment penalties, and administrative expenses, and hereby consent to judgment being entered against them on Count III of the Complaint.²

THEREFORE, the United States respectfully requests this Honorable Court take notice of the aforementioned and enter Judgment for the United States on Count III of the Complaint. A proposed Order of Judgment is submitted herewith.

DATED: November 15, 2023

Respectfully submitted,

TODD KIM

Assistant Attorney General
Environment & Natural Resources Division

/s/ Michael K. Robertson

Michael K. Robertson (DC Bar No. 1017183)

Clare Boronow (Barred in Maryland)

U.S. Department of Justice

¹ This total is \$1,173.63 less than the \$190,759.97 sought in Count III of the Complaint. The amount sought in Count III of the Complaint inadvertently included an additional AML debt owed by A & G Coal Corp. not sought in the current case.

² The interest, late payment penalties, and administrative expenses are calculated to the date of payment. *See* 30 C.F.R. § 870.21, 31 C.F.R. § 901.9. The United States can provide a calculation of the total amounts, including those additional fees, based on a specific future date of payment.

Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044
Tel.: (202) 305-9609
Fax: (202) 305-0275
michael.robertson@usdoj.gov
clare.boronow@usdoj.gov

CHRISTOPHER R. KAVANAUGH
United States Attorney

/s/ Krista Consiglio Frith
Krista Consiglio Frith (Va. Bar No. 89088)
Assistant United States Attorney
P.O. Box 1709
Roanoke, VA 24008-1709
Tel.: (540) 857-2250
Fax: (540) 857-2283
krista.frith@usdoj.gov

Counsel for the United States

/s/ Aaron B. Houchens
Aaron B. Houchens
111 East Main Street
Salem, VA 24153
TEL (540) 389-4498
Email: aaron@houchenslaw.com

Counsel for Defendants